

Cole Schotz P.C.

Gary R. Sorden
Member
Admitted in TX

Reply to Texas Office
Writer's Direct Line: 469-557-9397
Writer's Direct Fax: 469-466-6231
Writer's E-Mail: gsorden@coleschotz.com

901 Main Street, Suite 4120
Dallas, TX 75202
469-557-9390 469-533-1587 fax

—
New Jersey
—
New York
—
Delaware
—
Maryland
—
Florida

MEMO ENDORSED

December 22, 2020

VIA ECF

Honorable Colleen McMahon
Chief United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 2550
New York, NY 10007-1312

Re: GeigTech East Bay LLC v. Lutron Electronics Co., Inc.
Case No. 1:18-cv-05290-CM

Dear Hon. Colleen McMahon:

The present action is a consolidated case involving two lawsuits brought by Plaintiff GeigTech East Bay LLC d/b/a J Geiger ("J Geiger") against Defendant Lutron Electronics Co., Inc. ("Lutron") concerning Lutron's ongoing sales of its Palladiom Shading System, which infringe trade dress and patent rights owned by J Geiger. On September 10, 2020, this case was consolidated and stayed pending the outcome of Lutron's request for a Post-Grant Review ("PGR") of the patent-in-suit in this case, U.S. Patent No. 10,294,717 ("717 patent"). See Dkt. 128.

On December 3, 2020 J Geiger filed a third suit against Lutron based on the Palladiom Shading System's infringement of U.S. Patent No. 10,822,872 (the "'872 patent'"), which was issued by the U.S. Patent Office ("PTO") to J Geiger on November 3, 2020. The '872 patent is a continuation of the '717 patent. This new suit (Case No. 1:20-cv-10195, referred herein as "Case 3") was assigned to Your Honor as related to this consolidated case. J Geiger writes to request an order from the Court to allow J Geiger to use documents produced by Lutron under the Protective Order in this case [Dkt. 106 ("PO")] in support of a motion for preliminary injunction in Case 3 (the "PI Motion").

J Geiger is filing the PI Motion in Case 3 because of the factual record developed in the prior litigation as well as the legal issues that have been resolved since support enjoining Lutron. First, Lutron has produced numerous documents admitting it copied the patented products of J Geiger based on customer demand for Lutron to have a similar product and to stop J Geiger from gaining market share. These are the documents J Geiger asks the Court to allow it to use in the PI Motion. Second, the Court has construed terms in the prior litigation that are related to key terms in the '872 patent and support infringement of that patent. Third, every argument Lutron has made

11/11/21
Response is not needed because the answer is: Any document produced in the earlier case can be used in the later case for any purpose. If someone has a problem with document production, you suggest that relevant documents that have been produced cannot be used.
Magistrate Judge — not to